

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing the Findings, Conclusions, and Recommendation of the United States Magistrate Judge for plain error, I am of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

The *Defendant John Childs' Motion for Summary Judgment*, filed February 11, 2013, is **GRANTED in part** and **DENIED in part**. By separate partial judgment, the claims against John Childs will be **DISMISSED with prejudice**, and John Childs' counterclaim against the plaintiffs under Tex. Civ. Prac. & Rem. Code §§ 9.011, 9.012(c) and 10.001 will also be **DISMISSED with prejudice**.

**SO ORDERED this 22nd day of November, 2013.**

*Barbara M. G. Lynn*  
BARBARA M. G. LYNN  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF TEXAS